

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ERIC TYLER FLOYD,)
)
Plaintiff,)
)
v.) CAUSE NO: 1:20-cv-1895
)
ALONZOE ZAPP d/b/a)
CUTTING EDGE LAWN CARE,)
)
Defendant.)

COMPLAINT AND DEMAND FOR JURY TRIAL

1. Plaintiff, Eric Tyler Floyd (“Floyd”), brings this action against Defendant, Alonzoe Zapp doing business as Cutting Edge Lawn Care (“Defendant”), for unlawfully violating his rights as protected by the Emergency Paid Sick Leave Act (“EPSLA”) and the Fair Labor Standards Act (“FLSA”).

PARTIES

2. Floyd has resided within the Southern District of Indiana at all relevant times.
3. Defendant is an individual doing business within the Southern District of Indiana.

JURISDICTION AND VENUE

4. Jurisdiction is conferred on this Court by 28 U.S.C. § 1331; 42 U.S.C. § 1988; and 29 U.S.C. §216(b).
5. Floyd was an “employee” within the meaning of 29 U.S.C. §203(e).
6. Defendant is an “employer” within the meaning of 29 U.S.C. §203(d).
7. Floyd was an “employee” within the meaning of the EPSLA.
8. Defendant was an “employer” within the meaning of the EPSLA.

9. Defendant had less than 500 employees as of April 1, 2020.
10. Venue is proper in this Court.

FACTUAL ALLEGATIONS

11. Defendant first hired Floyd in about May 2016. This year, Floyd began working for Defendant on April 2, 2020.

12. Floyd's work performance met or exceeded Defendant's legitimate expectations at all relevant times.

13. On or about April 12, 2020, Floyd informed Defendant that he had sought and received a COVID-19 test and was advised by his doctor to self-quarantine for a week, thereby triggering Defendant's obligation to provide paid leave to him under the EPSLA.

14. On April 19, 2020, Floyd asked Defendant what time he should report back to work on April 20.

15. Defendant responded that it no longer needed Floyd, and terminated him.

16. Defendant has accorded more favorable treatment to similarly-situated employees outside his protected class.

17. Defendant took adverse employment actions against Floyd because of his statutorily-protected conduct.

18. All reasons proffered by Defendant for adverse actions it took regarding Floyd's employment are pretextual.

19. Floyd has suffered injury and harm as a result of Defendant's unlawful actions, including, but not limited to, lost wages, lost benefits, inconvenience, humiliation, embarrassment, anger, disgust, frustration, and similar emotions.

VIOLATIONS OF THE FLSA AND EPSLA

20. Floyd hereby incorporates paragraphs 1-19 of his Complaint.
21. Floyd asked for leave under the FLSA and EPSLA.
22. Defendant interfered with Floyd's substantive rights under the FLSA and EPSLA.
23. Defendant took adverse employment actions against Floyd because of his request for leave under the FLSA and EPSLA.
24. Defendant's unlawful actions were intentional, willful, and done in reckless disregard of Floyd's FLSA and EPSLA rights.

REQUESTED RELIEF

WHEREFORE, Plaintiff, Eric Tyler Floyd, by counsel, respectfully requests that this Court find for him and order that:

1. Defendant reinstate Floyd to the same position, salary, and seniority, or pay front pay and benefits to him in lieu of reinstatement;
2. Defendant pay lost wages and benefits to Floyd;
3. Defendant pay all wages due and owing to Floyd under the EPSLA;
4. Defendant pay compensatory and liquidated damages to Floyd;
5. Defendant pay punitive damages to Floyd;
6. Defendant pay pre- and post-judgment interest to Floyd;
7. Defendant pay Floyd's attorneys' fees and costs incurred in litigating this action; and
8. Defendant pay to Floyd any and all other legal and/or equitable damages that this Court determines appropriate and just to grant.

Respectfully submitted,

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Paul A. Logan, Attorney No. 17661-02
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DEMAND FOR JURY TRIAL

Plaintiff, Eric Tyler Floyd, by counsel, respectfully requests a jury trial for all issues deemed triable.

Respectfully submitted,

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